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PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

10

Application Number	10/617,624
Filing Date	July 10, 2003
First Named Inventor	Eduardo BLUMWALD
Art Unit	1638
Examiner Name	Not Yet Assigned

Attorney Docket Number 529642000500

### ENCLOSURES (Check all that apply)

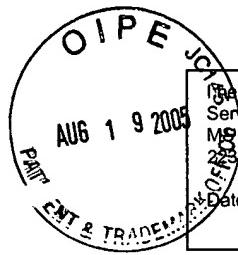
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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Remarks	

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP (Customer No. 20872)		
Signature			
Printed name	Michael R. Ward		
Date	8/17/05	Reg. No.	38,651

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: Aug. 17, 2005 Signature: Victoria A. Wilson (Victoria A. Wilson)



Re: **MS Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: August 17, 2005 Signature: *Victoria Wilson*  
(Victoria Wilson)

Patent  
Docket No. 529642000500

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Eduardo BLUMWALD

Serial No.: 10/617,624

Filing Date: July 10, 2003

For: SALT TOLERANT OIL CROPS

Examiner: Not Yet Assigned

Group Art Unit: 1638

### INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of the documents are also submitted herewith. Reference nos. 35 and 36 are oral presentations, an abstract of which is given in reference no. 31. Reference nos. 37 and 38 are oral presentations, the abstract of which is given in reference no. 29. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.**
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - A fee is required. A check in the amount of \_\_ is enclosed.
  - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_ is enclosed.
  - A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **529642000500**.

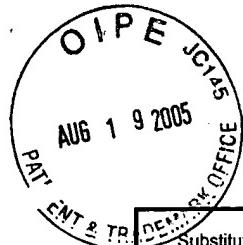
Dated: August 17, 2005

Respectfully submitted,

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ALTERNATIVE TO PTO/SB/08a/b (06-03)

Substitute for form 1449/PTO				<b>Complete if Known</b> Application Number   10/617,624 Filing Date   July 10, 2003 First Named Inventor   Eduardo Blumwald Art Unit   1638 Examiner Name   To Be Assigned Attorney Docket Number   529642000500	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>					
(Use as many sheets as necessary)					
Sheet	1	of	6		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
1.	US 4,616,100		10-07-1986	McHughen et al.	
2.	US 5,272,085		12-21-1993	Young et al.	
3.	US 5,346,815		09-13-1994	Krulwich et al.	
4.	US 5,441,875		08-15-1995	Hediger	
5.	US 5,563,246		10-08-1996	Krulwich et al.	
6.	US 5,563,324		10-08-1996	Tarczynski et al.	
7.	US 5,639,950		06-17-1997	Verma et al.	
8.	US 5,689,039		11-18-1997	Becker et al	
9.	US 5,750,848		05-12-1998	Kruger et al.	
10.	US 5,780,709		07-14-1998	Adams et al	
11.	US 5,859,337		01-12-1999	Gasser et al.	
12.	US 6,861,574		03-01-2005	Fukuda et al.	
13.	US 20030046729 A1		03-06-2003	Blumwald et al.	
14.	US 20050028235 A1		02-03-2005	Zhang et al.	
15.	US 20050032112 A1		02-10-2005	Fukuda et al.	
16.	US 20050144666 A1		06-30-2005	Blumwald et al.	
17.	US 20050155105 A1		07-14-2005	Blumwald et al.	
18.	US 11/065,977		FD 02-24-2005	Blumwald et al.	
19.	US 10/620,061		FD 07-14-2003	Blumwald et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			
20.	EP 1143002 A1		10-10-2001		
21.	WO 91/06651		05-16-1991		
22.	WO 96/39020		12-12-1996		
23.	WO 97/13843		04-17-1997		
24.	WO 99/47679		09-23-1999		
25.	WO 00/37644		06-29-2000		

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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sf-1866952

Substitute for form 1449/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
Sheet	2	of	6	Application Number	10/617,624
				Filing Date	July 10, 2003
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				Art Unit	1638
				Examiner Name	To Be Assigned
				Attorney Docket Number	529642000500

<b>NON PATENT LITERATURE DOCUMENTS</b>				
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T <sup>2</sup>
	26.	AL-KARAKI, Ghazi N. (2000) "Growth, Water Use Efficiency, and Sodium and Potassium Acquisition by Tomato Cultivars Grown Under Salt Stress," Journal of Plant Nutrition, 23(1):1-8		
	27.	APSE ET AL. (2002) "Engineering salt tolerance in plants" Current Opinion in Biotechnology 13: pp. 146-150.		
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				First Named Inventor	Eduardo Blumwald
				Art Unit	1638
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Sheet	3	of	6	Attorney Docket Number	529642000500

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60.	HAHNENBERGER ET AL. (1996) "Functional expression of the Schizosaccharomyces pombe Na+/H+ antiporter gene, sod2, in Saccharomyces cerevisiae" PNAS USA 93: pp. 5031-5036.	
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Examiner Signature		Date Considered	
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	78.	OHKI ET AL. (1995) "Preference of recombination sites involved in the formation of extrachromosomal copies of the human alphoid Sau3A repeat family" Nucleic Acids Res. 23: pp. 4986-4991.	
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Examiner Signature		Date Considered	
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	95.	WOOD ET AL. (Nov. 1998) Direct submission schizosaccharomyces pombe chromosome I sequencing project: GenBank Accession Number CAB10103.	
	96.	YAMAMOTO ET AL. (Oct. 1998) Rice cDNA from green shoot: GenBank Accession Number AU032544.	
	97.	YOKOI ET AL. (2002) Arabidopsis thaliana Na+/H+ exchanger 5 (NHX5) mRNA: GenBank Accession Number AF490589.	
	98.	ZANDONELLA (Jul. 2001) "Gene modified tomato revels in salty soils" New Scientist. Retrieved Feb. 23, 2002, from < <a href="http://www.newscientist.com/channel/health/gm-food/dn1092">http://www.newscientist.com/channel/health/gm-food/dn1092</a> >.	
	99.	ZHANG ET AL. (2001) "Engineering salt-tolerant Brassica plants: Characterization of yield and seed oil quality in transgenic plants with increased vacuolar sodium accumulation" PNAS USA 98 (22): pp. 12832-12836.	
	100.	ZHANG ET AL. (2001) "Transgenic salt-tolerant tomato plants accumulate salt in foliage but not in fruit" Nature Biotechnology 19: pp. 765-768.	

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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